



Mayor  
Ethan Berkowitz

# Anchorage Water & Wastewater Utility

## General Manager's Office



Board Chair  
Aaron D. Dotson

July 23, 2020

Jeff KenKnight, Chief Water Enforcement & Field Branch  
Enforcement and Compliance Assurance Division  
USEPA Region 10  
Mail Code: 20-C04  
1200 Sixth Avenue, Suite 155  
Seattle, Washington 98101

RE: Response to Notice of Violation for John M. Asplund Water Pollution Control Facility  
NPDES Permit Number AK-002255-1

Dear Mr. KenKnight,

This letter responds to the Notice of Violation (NOV) emailed to me, Mark A. Corsentino, General Manager of Anchorage Water & Wastewater Utility (AWWU) by Jeff KenKnight, Chief of Environmental Protection Agency (EPA) Region 10 Water Enforcement & Field Branch on June 12, 2020.

First and foremost, we appreciate EPA's engagement with AWWU on the topic of per- and polyfluoroalkyl substances (PFAS). Treatment and disposal of these compounds in accordance with applicable law is important, and we look forward to receiving guidance as to the status of development of requirements with respect to PFAS compounds.

To date, I believe AWWU has complied with all regulations with our permit, but we acknowledge the lack of regulatory guidance with these specific compounds. AWWU and other publicly owned treatment works (POTW's) do our best to follow applicable protocols and procedures in dealing with them.

We believe the actions we took with applying Groundwater Cleanup Levels for indirect PFAS dischargers went above and beyond our permit requirements, as the PFAS compounds are un-regulated in POTW's, and did not substantially alter the character or quantity of the influent to our system.

Nevertheless, we take this NOV as an opportunity to work with EPA to ensure continued permit compliance, and to ensure we continue to meet and exceed our mission statement goal to safeguard the public health and protect the environment, now and long into the future.

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Anchorage Water & Wastewater Utility



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Specific to the response to the EPA NOV:

- *Accepting wastewater contaminated with persistent bio accumulative organic pollutants from outside your service area, e.g., Fairbanks International Airport, is inconsistent with this objective.*

AWWU requests a reference to regulations or POTW guidance that clearly delineates that a POTW cannot permit a discharge from a facility (within the AWWU service area) that receives and treats wastewater, either directly or indirectly, from outside its service area, so we can enforce and comply with such a requirement.

In the meantime, and as a precautionary measure, we have suspended NRC's Temporary Industrial Discharge Permit (TIDP) 2020-001 that allowed for these PFAS pre-treated waste streams into our POTW.

- *Further, AWWU failed to adhere to 301(h) regulations when it established local pretreatment limits for PFAS. 40 CFR Part 125.65 requires industrial dischargers of toxic pollutants to demonstrate that an applicable pretreatment requirement is in effect for each pollutant, and any local limits established under 40 CFR Part 125.65(c)(1)(i) to satisfy Part 125.65(b)(1)(i) shall be, "Subject to approval by the Administrator as part of the 301(h) application review."*

Because regulatory standards for PFAS (i.e. Effluent Guidelines or Local Limits) are not specifically developed for these compounds and in the absence of specific limits for the entire class of compounds, AWWU applied Alaska Groundwater Cleanup Levels for Perfluorooctanoic Acid (PFOA) at 0.40 ug/L and Perfluorooctanesulfonic Acid (PFOS) at 0.4 ug/L. AWWU did not establish new language nor incorporate such language into Title 26 of its Pretreatment ordinance. As such, AWWU did not go through the processes to establish new language in our pretreatment ordinance including consultation with EPA for approval of a new local limit.

AWWU understands that Alaska Groundwater Cleanup Levels, established by the Alaska Department of Environmental Conservation (ADEC) in regulation at 18 AAC 75.345, apply to groundwater as well as direct discharge to surface waters. AWWU is confident that the control of these compounds from an indirect discharge through the POTW, with pretreatment, would be equally protective of the environment as a direct discharge to surface waters.

A centralized waste treatment (CWT) facility, such as Ecology's NRC facility, provides the opportunity to demonstrate their ability to treat and discharge PFAS contaminated wastewater at concentrations well below expected PFAS regulated levels.

- *EPA believes AWWU was in violation of Part IV.A.1 of its Permit because "adequate notice" of a change in pollutant character was not provided to EPA Region 10's Director of Water Division.*



AWWU is more than willing to collaborate with EPA to refine our process to ensure a more formal and adequate notice of a change in pollutant character is followed. We have provided information to EPA in the past, and we look forward to reviewing EPA guidance as to a more formal submission.

For example, in our February 2011 submittal to EPA of the *Draft Final Evaluation of the Effects of Discharge Permit Re-authorization on Endangered Species* (aka Biological Evaluation (BE), AWWU-CH2MHILL, February 2011), in Table A-5 we published the presence of PFAS compounds at very low levels in the Asplund discharge, in addition to dozens of other unregulated constituents of emerging concern.

That final draft BE was submitted to EPA in February 2011 and has been distributed and made available since that time. Additional hard copies were delivered to Marcia Combs, EPA Alaska Program Director in the spring of 2018 with the request they would be delivered to Chris Hladick, EPA Region 10 Administrator.

PFAS compounds, as well as the many others identified in the BE, were rigorously analyzed with respect to available toxicity data, leading to the conclusion that none of the constituents would constitute a threat to aquatic wildlife or water quality criteria.

The PFAS concentrations reported in the BE were corroborated by more recent analytical results reported to Jamey Stoddard in a letter dated November 22, 2019, demonstrating that the levels of PFAS have not significantly changed over time.

We would welcome further EPA guidance on how we might define a change in pollutant volume or character, and how best to provide adequate notice to EPA when such a change is detected. It is not clear to AWWU that accepting an un-regulated and pre-treated compound that is not significant to our wastewater volume or character would qualify for this formal notification, which is why we provided informal notification.

However, AWWU looks forward to working with EPA to provide a formal notification of our and the State of Alaska ADEC's request to accept these pre-treated PFAS compounds that do not materially affect the quality and quantity of our wastewater.

- *Within 45 calendar days, EPA requires AWWU to submit a list of actions, steps or processes it intends to implement to ensure compliance with the notification requirements of Section IV.A. of your Permit.*

The existing notification process AWWU has on file is described in the TIDP permit, Section V – Standard Conditions, as shown in Exhibit 1. In accordance with AMC 26.50.120, the permittee will promptly notify AWWU in writing and at least 90 days in advance, prior to any significant change in the volume or character of pollutants in their discharge resulting from significant process changes, facility expansion, production increase, pretreatment system modification or plans for facility closure.



AWWU is proposing an additional new process (Exhibit 2) to permittees to notify AWWU, ADEC, and EPA of new pollutants in a waste stream to include specific pre-treated PFAS compounds. As part of this letter, we are formally submitting NRC's notification to discharge pre-treated PFAS compounds into our system (Exhibit 3 and Exhibit 4 for PFOA and PFOS respectively).

AWWU requests feedback on the form to ensure that all EPA requirements are met according to the current John M. Asplund Water Pollution Control permit.

- *Further, EPA requests all analytical results of NRC Alaska LLCs pretreatment process for PFAS referenced in your November 22, 2019 letter.*

The NRC Data Tables in Exhibits 5 and 6 summarize analytical results for PFAS compounds on NRC Alaska LLC's pretreatment process. Exhibit 5 shows the pre- and post-treatment results for PFOA and PFOS and Exhibit 6 shows the results for other PFAS compounds.

I hope this information satisfies your requests noted in the NOV. I am happy to provide additional information at your request. If you have any questions regarding the information provided or if I can be of any further assistance, please contact me at (907) 786-5511 or [mark.corsentino@awwu.biz](mailto:mark.corsentino@awwu.biz).

Respectfully,



Mark A. Corsentino, P.E.  
General Manager

Attachments:

- Exhibit 1 – Existing TIDP Permit Template
- Exhibit 2 – Notification New Waste Stream Form
- Exhibit 3 – Notification New Waste Stream NRC PFOA
- Exhibit 4 – Notification New Waste Stream NRC PFOS
- Exhibit 5 – NRC Waste Stream Data – PFOA PFOS
- Exhibit 6 – NRC Waste Stream Data – Other PFAS

cc: Chris Hladick, EPA Region 10 Administrator  
Jason W. Brune, ADEC Commissioner  
William D. Falsey, Municipal Manager  
Tim Forbus, AWWU Treatment Division Director  
John Plaskett, AWWU Environmental Compliance Supervisor

